

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ADAM FRANCIS,

Plaintiff,

v.

DOUGLAS COUNTY, a political
subdivision of the State of Nebraska; *et al.*,

Defendants.

8:21CV18

**ORDER TO
SHOW CAUSE**

This matter is before the Court on defendant Wellpath LLC's ("Wellpath") Motion for Summary Judgment (Filing No. 59) pursuant to Federal Rule of Civil Procedure 56 and Nebraska Civil Rules 7.1 and 56.1. Wellpath's motion is based on pro se plaintiff Adam Francis's ("Francis") purported failure "to identify and disclose any expert testimony to support his claims of professionally negligent or deliberately indifferent medical treatment at [the Douglas County Correctional Center ("DCCC")]." Francis has not responded to Wellpath's motion.

In fact, it appears Francis has not actively participated in this case since the magistrate judge¹ permitted his counsel to withdraw on October 13, 2021, over Francis's objection. The magistrate judge gave Francis until November 29, 2021, to obtain new counsel. To date, no one has entered an appearance.

When Francis failed to appear at a scheduled status conference on December 2, 2021, the magistrate judge amended the final progression order—ostensibly without him

¹The Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska.

(Filing No. 51). That order set deadlines for motions to compel and for identifying expert witnesses and disclosing expert testimony. *See* Fed. R. Civ. P. 26(a)(2).

On January 10, 2022, defendant Douglas County (“Douglas County”) moved (Filing No. 52) for an order compelling Francis to answer discovery. Francis did not respond.

The magistrate judge granted the motion and ordered Francis to respond by February 24, 2022 (Filing No. 55). When he didn’t, the magistrate judge recommended (Filing No. 57) the Court dismiss Francis’s third cause of action as to Douglas County, which it did (Filing No. 64). Francis again never weighed in on the matter.

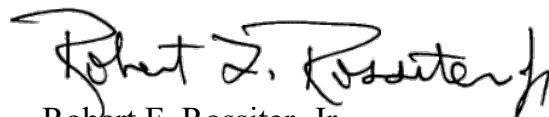
Within the last forty-five days, counsel for Douglas County and Wellpath have each advised the Court that they have not received required discovery responses from Francis. Counsel for Douglas County has sworn Francis has not communicated at all. Francis has not said otherwise, and neither he—nor anyone else—has identified the pseudonymous defendants despite ample time to do so.

In light of Francis’s conspicuous absence from this case since his counsel withdrew nearly six months ago, he shall have until April 25, 2022, to show cause why this case should not be dismissed for failure to prosecute and failure to comply with the Court’s orders. Failing to do so may result in this case being dismissed without further notice.

IT IS SO ORDERED.

Dated this 11th day of April 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge